

# EXHIBIT 9

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

WPEM, LLC,

*Plaintiff,*

v.

SOTI INC.,

*Defendant.*

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Case No. 2:18-cv-00156-JRG

JURY TRIAL DEMANDED

**DECLARATION OF OSCAR RAMBALDINI**

I, Oscar Rambaldini, declare as follows:

1. I am the Vice President of Product Management for SOTI Inc. ("SOTI"). I submit this Declaration in support of SOTI's Motion to Recover Attorneys' Fees Pursuant to 35 U.S.C. § 285. As Vice President of Product Management for SOTI, I have personal knowledge of the development of its products, including MobiControl. Accordingly, I have personal knowledge of the matters stated in this Declaration and, if called as a witness, I could and would competently testify to them.

2. As I have been informed, Plaintiff WPEM, LLC alleges that SOTI's MobiControl Speed Lockdown functionality infringes U.S. Patent No. 9,148,762.

3. SOTI introduced its Speed Lockdown functionality in MobiControl Version 10, which was released on or about November 19, 2012.

4. The same Speed Lockdown functionality was included in MobiControl Version 10 Build 9329, which was publicly available and offered for sale on or about January 7, 2013. This can be readily ascertained by reviewing publicly available information.

5. Detailed release notes for each MobiControl release are available on SOTI's public website at <https://docs.soti.net/soti-mobicontrol/release-notes/> ("Release Notes"). Release Notes allow users to easily search through all prior releases to see at what time certain functionality was added.

6. A review of Release Notes plainly reveals that MobiControl Version 10 Build 9329 was released on or about January 7, 2013, and included Speed Lockdown functionality. For example, Release Notes for Version 10 Build 9329 states: "Speed-sensitive Lockdown to customize Lockdown screen when device is travelling faster than defined speed (Android, Windows Mobile)."

7. MobiControl Version 10 Speed Lockdown functionality has not substantively changed since its introduction. The current MobiControl Version 14 has the same Speed Lockdown functionality as Version 10 Build 9329. This can be readily ascertained by reviewing publicly available information.

8. SOTI provides public MobiControl help guides for current and past versions of MobiControl, which show functionality of various aspects of MobiControl. For example, the MobiControl Version 10 help guide demonstrates Speed Lockdown functionality at the following link: <https://www.soti.net/mc/help/v10/en/Content/Web/Devices/Android/Device-Configuration-Speed-Lockdown.htm>.

I declare under penalty of perjury and under the laws of the United States that the foregoing is true and correct.

Dated: March 13 2019

A handwritten signature in black ink, appearing to read "Oscar Rambechini", is written over a horizontal line.

SOTI Inc.